

REMARKS

I. Status Summary

Claims 23-26, 33-42, 44-47 and 49 are pending in the present application and have been examined by the United States Patent and Trademark Office (hereinafter "the Patent Office"). Claims 23, 25, 26, 33-35, 38-40, 44, 47 and 49 currently stand rejected. Claims 24, 36, 37, 41, 45 and 46 have been objected to.

Claims 47 and 49 have been rejected under 35 U.S.C. § 112, second paragraph, upon the contention that the claims are indefinite.

Claims 23, 25, 26, 33-35, 38-40, 44, 47 and 49 have been rejected under 35 U.S.C. § 102(b) upon the contention that the claims are anticipated by U.S. Patent No. 5,869,270 to Rhode et al. (hereinafter "Rhode et al.").

Claims 24, 41, 47 and 49 have been cancelled without prejudice. Claims 23, 26, 33, 35 and 42 have been amended. Support for the amendments can be found throughout the specification as originally filed and particularly in original claims 23, 24, 26, 33, 35 and 41. No new matter has been added.

Reconsideration of the application in view of the amendments and remarks set forth herein is respectfully requested.

II. Responses to the Rejection Under 35 U.S.C. § 112, second paragraph

Claims 47 and 49 have been rejected under 35 U.S.C. § 112, second paragraph, upon the contention that the claims are indefinite. In particular, the Examiner contends that it is unclear how claims 47 and 49 further limited the scope of claims 23 and 33, because the semi-allogeneic antigen-presenting cell will allegedly inherently have a HLA-haplotype that is 50% identical to that of a patient.

Without acquiescing to the contentions of the Patent Office and in an effort to advance prosecution, applicants respectfully submit that claims 47 and 49 have been cancelled. As such, the instant rejection is believed to be rendered moot.

Withdrawal of the instant rejection is therefore respectfully requested. Allowance of the claims is also respectfully requested.

III. Responses to the Rejection Under 35 U.S.C. § 102(b) Over Rhode et al.

Claims 23, 25, 26, 33-35, 38-40, 44, 47 and 49 have been rejected under 35 U.S.C. § 102(b) upon the contention that the claims are anticipated by U.S. Patent No. 5,869,270 to Rhode et al. (hereinafter "Rhode et al."). The Patent Office contends that Rhode et al. disclose a method wherein host compatible antigen presenting cells which are haploidentical cells having the same haplotype as that of the subject are transfected with polynucleotides encoding MHC fusion proteins. The Patent Office contends that Rhode et al. provide for each and every aspect of the currently rejected claims.

After careful consideration of the rejection and the Patent Office's basis therefore, applicants respectfully traverse the rejection and submit the following remarks.

Initially, without acquiescing to the contentions of the Patent Office, applicants respectfully submit that claims 47 and 49 have been cancelled, as noted hereinabove. As such, the instant rejection is believed to be rendered moot with respect to these claims.

Further, applicants respectfully acknowledge the Patent Office's position that dependent claims 24 and 41 have been objected to upon the contention that they depend from rejected base claims, but would be allowable if written in independent format. As such, without acquiescing to the contentions of the Patent Office and in an effort to advance prosecution, applicants respectfully submit that independent claims 23, 26, 33 and 35 have been amended to recite the elements of dependent claims 24 and 41. Claims 24 and 41 have been cancelled. As such, amended claims 23, 26, 33 and 35, which now recite that the proteins and/or peptides, or RNA or DNA or cDNA encoding said proteins and/or peptides, are obtained from several different tumor cell lines, are believed to be in condition for allowance. Support for the amendments can be found throughout the specification as originally filed, and in particular in original claims 24 and 41. No new matter has been added.

Therefore, claims 23, 26, 33 and 35 are believed to be in condition for allowance. Because claims 25, 34, 38-40 and 44 depend from claims 23, 26, 33 and 35, they too are believed to be in condition for allowance. Thus, the instant rejection is believed to be addressed. Withdrawal of the instant rejection under 35 U.S.C. § 102(b) is therefore respectfully requested. Allowance of the claims is also respectfully requested.

DISCUSSION OF NEW CLAIMS

New claims 50-53 have been added. Support for new claims 50-53 can be found throughout the specification as originally filed, including original claims 23, 26, 33, 35, 37, 39 and 45. No new matter has been added.

Applicants respectfully submit that new claims 50-53 are patentable over the references cited by the Patent Office at least for the reasons set forth herein above. Applicants further respectfully submit that new claims 50-53 are allowable over the cited art of record. None of the cited art, either alone or in combination, is believed to teach or suggest each and every element of new claims 50-53. Indeed, the Patent Office notes that dependent claims 37 and 45 would be allowable if rewritten in independent format. New method claim 50 is a combination of claims 23, 39 and 45; and new method claim 51 is a combination of claims 26, 39 and 45. Likewise, new claim 52 is a combination of claims 33 and 37; and new claim 53 is a combination of claims 35 and 37. Accordingly, allowance of these claims is respectfully requested.

CONCLUSION

In light of the above, it is respectfully submitted that the present application is now in proper condition for allowance, and a Notice of Allowance to that effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

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